IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1325 OF 2006
IN
APPEAL NO.297 OF 2006
IN
ARBITRATION PETITION NO.90 OF 2004

Acnielson Org-Marg Pvt.Ltd. ....Appellant
V/s.
Crimson Property Pvt.Ltd. ....Respondents

Mr.Mohan Bir Singh for the Appellant.
Ms.Anita Sadh for the Respondent.

CORAM : DR.S. RADHAKRISHNAN & S.J. VAZIFDAR, JJ.
DATED : 19TH JULY, 2006.

P.C. :

1. Heard the learned counsel for the Appellant and the learned counsel for the Respondent.

2. The Appeal has already been admitted on 25.4.2006. It appears that the Appellant had handed over the possession of the business premises pursuant to the Award, which has now been set-aside by the learned Single Judge. During the pendency of the Arbitration Petition before this Court, an amount of Rs.22.50 lacs were directed to be deposited in this Court which was allowed to be withdrawn by the present Appellant. The learned counsel appearing for the

Appellant pointed out that pursuant to the Award, the possession has been taken by the Respondent and in view thereof, the Appellant should be allowed to retain the same without prejudice to the rights and contentions of the parties. Having regarding to the facts and circumstances of the case, as the Respondent had obtained possession of the said premises under the Award, we are inclined to make the Notice of Motion absolute in terms of prayer (b).

(DR.S. RADHAKRISHNAN, J.)

S.J. VAZIFDAR, J.)